

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1, 3-9, and 11-14 remain pending. Claims 1, 3-9, and 11-14 have been rejected.

Claims 1, 7, and 9 have been amended. No claims have been cancelled. No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendments do not add new matter.

Applicants reserve all rights with respect to applicability of Doctrine of Equivalents.

Claims 1, 7, and 9 have been rejected under 35 U.S.C. § 112, second paragraph.

Applicants have amended claim 1 to include “wherein the mapping the address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers is performed by executing a Web Information Locator by Distance (WILD) communication protocol...”

Therefore, applicants respectfully submit that the Examiner’s rejection of amended claim 1 under 35 U.S.C. § 112, second paragraph has now been overcome.

Given that amended claims 7 and 9 contain the limitations that are similar to those limitations discussed with respect to amended claim 1, applicants respectfully submit that the Examiner’s rejection of amended claims 7 and 9 under 35 U.S.C. § 112, second paragraph have now been overcome.

Claims 1, 3-9, 11, 13, and 14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,785,704 to McCanne et al. (“McCanne.2”) in view of “Host Anycasting Service” by Partridge et al. (“Partridge”) in further view of U.S. Patent No. 6,820,133 to Grove (“Grove”).

Amended claim 1 includes mapping the URL to a corresponding anycast address for the information object, wherein the information object repository is selected according to specified performance metrics by mapping an address of the client to one or more addresses of information object repositories and to one or more addresses of routers that have a best type-of-service distance to the address of the client, wherein the mapping the address of the client to the one or more addresses of information object repositories and to the one or more addresses of routers is performed by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other the type-of-service distance to the address of the client that runs on top of a Transmission Control Protocol (TCP).

Applicants submit that the amendment that adds the limitation “wherein the routers communicate to each other the type-of-service distance to the address of the client” is supported by the specification (e.g., paragraphs [0052], [0054], [0062], [0063], [0066]).

The Examiner noted that McCanne.2 “does not disclose mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a WILD communication protocol between the routers.” (Office Action, p. 7, 11/26/08).

Accordingly, McCanne 2 fails to disclose mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other the type-of-service distance to the address of the client that runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

Partridge, in contrast, discloses host anycasting service, and also fails to disclose such limitations of amended claim 1.

Grove, in contrast, discloses the following:

Thus, one may deploy such software at many locations in the Internet where each such location thought to be representative of a certain class of users. For instance such software located at an ISP's point-of-presence facility may be assumed to give measurements that would be representative of the ISP's users in that area. Each installation of this software will periodically measure the bandwidth and latency to each C-node (or some chosen collection of candidate C-nodes), and will periodically communicate its findings to a centralized "mapping" device which collates and analyzes the findings.

(Grove, col. 15, lines 37-47) (emphasis added)

In particular, Grove discloses the following:

The mapping methods discussed above and the subsequent discussion of mapping and selection have addressed the case where an explicit selection of C-node is made, e.g. by a specialized mapping device. A second technique that may be used, instead of such explicit selection means, uses IP routers to do implicit mapping and selection. IP routers include algorithms and techniques that attempt to find the shortest path between the source of a communication and the destination. Routing techniques are generally designed under the assumption that each IP address corresponds to a unique machine. But it is possible to give the same IP address to many machines and, if very carefully managed, the existing routing algorithms will tend to send traffic to the closest machine with a particular address. This idea can be used in the invention if all C-nodes (or a subset of all C-nodes) are given the same IP address. When used in conjunction with any of the redirection means discussed above, other than web proxy or transparent network interception, this means that it is sufficient to redirect traffic away from the server and towards the invention's C-nodes, but that the redirection can be towards a common IP address and does not need to explicitly select which C-node is closest to the client. Existing routing infrastructure can function as a node selector, automatically selecting and directing the traffic to a close C-node. This technique is sometimes called "anycast."

(Grove, col. 19, lines 13-37)(emphasis added)

Thus, Grove discloses choosing the C-node using the IP routers. In contrast, amended claim 1 refers to mapping an address of the client to one or more addresses of routers by

executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other the type-of-service distance to the address of the client.

Accordingly, Grove also fails to disclose, teach, or suggest mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other the type-of-service distance to the address of the client that runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

Thus, neither McCanne2, Partridge, nor Grove discloses, teaches, or suggests such limitations of amended claim 1.

Applicants respectfully submit that the rejection is the result of impermissible hindsight reconstruction, using applicants' claims as a frame while selecting components from three references to fill the gaps of this mosaic obviousness argument. (see Interconnect Planning Corp. v. Feil, 774 F2d 1132, 1143 (Fed. Cir. 1985)). The motivation to combine components from these references is based upon impermissible hindsight gleaned only from applicants' disclosure and not from the references themselves.

Furthermore, even if McCanne 2, Partridge, and Grove were combined, such a combination would still lack mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein

the routers communicate to each other the type-of-service distance to the address of the client
that runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

Therefore, applicants respectfully submit that claim 1, as amended, is not anticipated under 35 U.S.C. § 102(e) by McCanne.2, in view of Partridge, and further in view of Grove.

Given that claims 3-9, 11, 13, and 14 contain limitations that are similar to those limitations discussed with respect to amended claim 1, applicants respectfully submit that claims 3-9, 11, 13, and 14 are not anticipated under 35 U.S.C. § 102(e) by McCanne.2, in view of Partridge, and further in view of Grove.

The Examiner has rejected claims 1, 3-9, and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,415,323 to McCanne et al. (“McCanne”) in view of McCanne.2, in further view of Application-Layer Anycasting by Bhattacharjee et al. (“Bhattacharjee”), in further view of Grove.

As set forth above, the Examiner noted that McCanne. 2 “does not disclose mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a WILD communication protocol between the routers.” (Office Action, p. 7, 11/26/08).

The Examiner acknowledged that McCanne “does not disclose mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a WILD communication protocol between the routers.” (Office Action, p. 12, 11/26/08).

Accordingly, neither McCanne nor McCanne 2 discloses, teaches, or suggests mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client, wherein the mapping is performed by executing a Web

Information Locator by Distance (WILD) communication protocol between the routers , wherein the routers communicate to each other the type-of-service distance to the address of the client that runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

Bhattacharjee, in contrast, discloses application-layer anycasting, and also fails to disclose such limitations of amended claim 1.

As set forth above, Grove, in contrast, discloses choosing the C-node using the IP routers Grove fails to disclose, teach, or suggest mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other the type-of-service distance to the address of the client that runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

Thus, neither McCanne, McCanne2, Bhattacharjee, nor Grove discloses, teaches, or suggests such limitations of amended claim 1.

Applicants respectfully submit that the rejection is the result of impermissible hindsight reconstruction, using applicants' claims as a frame while selecting components from four references to fill the gaps of this mosaic obviousness argument. (see Interconnect Planning Corp. v. Feil, 774 F2d 1132, 1143 (Fed. Cir. 1985)). The motivation to combine components from these references is based upon impermissible hindsight gleaned only from applicants' disclosure and not from the references themselves.

Furthermore, even if McCanne, McCanne.2, Bhattacharjee, and Grove were combined, such a combination would still lack mapping an address of the client to one or more addresses of routers that have a best type-of-service distance to the address of the client, wherein the mapping

is performed by executing a Web Information Locator by Distance (WILD) communication protocol between the routers, wherein the routers communicate to each other the type-of-service distance to the address of the client that runs on top of a Transmission Control Protocol (TCP), as recited in amended claim 1.

Therefore, applicants respectfully submit that claim 1, as amended, is not obvious under 35 U.S.C. § 103(a) over McCanne, in view of McCanne.2, in view of Bhattacharjee, and further in view of Grove.

Given that claims 3-9, and 11-14 contain the limitations that are similar to those limitations discussed with respect to amended claim 1, applicants respectfully submit that claims 3-9, and 11-14 are not obvious under 35 U.S.C. § 103(a) over McCanne, in view of McCanne.2, in view of Bhattacharjee, and further in view of Grove.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 022666 for any fee deficiency that may be due.

Respectfully submitted,

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